

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORRAINE MARTIN,

Plaintiff,

vs.

Case No. 04-CV-73415
HON. GEORGE CARAM STEEH

HAPAG-LLOYD (AMERICA), INC.,
and HAPAG-LLOYD KREUZFAHRTEN GmbH,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#19)
AS MOOT UPON DEFENDANTS' MAY 20, 2005 WITHDRAWAL OF
AFFIRMATIVE DEFENSES 7 AND 12.

Plaintiff Lorraine Martin moved for summary judgment of defendants Hapag-Lloyd (America), Inc.'s and Hapag-Lloyd Kreuzfahrten GmbH's affirmative defenses 7 (venue governed by forum selection clause in "Cruise Ticket and/or passenger ticket contract and the contract for carriage of passengers") and 12 (claim barred by statute of limitations set for in "applicable cruise ticket and or contract of passage") pursuant to the reasonable notice standard set forth in Barbachym v. Costa Line, Inc., 713 F.2d 216, 219 (6th Cir. 1983). Defendants were granted an extension of time to file their response to the motion, to May 18, 2005. See May 9, 2005 Stipulated Order. On May 20, 2005, defendants filed "AMENDED AFFIRMATIVE DEFENSES" affirmatively withdrawing affirmative defenses 7 and 12. Accordingly,

Plaintiff's motion for summary judgment is hereby DENIED as MOOT upon defendants' withdrawal of the challenged affirmative defenses 7 and 12..

SO ORDERED.

s/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: June 3, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 3, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk